

REMARKS

Status of the Claims

Claims 1, 3, 4, 13-16, 19, 20 (Amended)

Claims 2, 17, 18 (Original)

Claims 5-12 (Canceled)

Election of Invention

The Examiner has required restriction under 35 U.S.C. § 121 between claims 1-4 and 13-18 drawn to a method for estimating indicated torque in an engine detected by the pressure, classified in class 123, subclass 435 (Invention I), claims 5-9 drawn to a method for estimating indicated torque in an engine and detected by summing the individual cylinder torque, classified in class 701, subclass 84 (Invention II), claims 10-12 drawn to a method for estimating torque in an engine detected by speed, classified in class 701, subclass 87 (Invention III), and claims 19-20 drawn to a torque estimator, classified in class 73, subclass 131 (Invention IV). It is the Examiner's position the inventions are distinct.

Applicant hereby elects Invention I covered by Claims 1-4 and 13-18 for examination. Applicant has amended claims 1, 13, 19, and 20 to indicate that the present invention uses measurements of crankshaft position, velocity, and acceleration for estimating engine torque. Applicant respectfully submits that amended claims 19 and 20 do not recite inventions that are distinct from the inventions of claims 1-4 and 13-18 and respectfully requests that the Examiner withdraw the restriction requirement with respect to Invention IV. As amended, claims 19 and 20 are directed to an

apparatus that estimates engine torque using measurements of crankshaft position, velocity, and acceleration and therefore, are related to amended claims 1-4 and claims 13-18 and may be examined in conjunction with claims 1-4 and 13-18. Accordingly, Applicant respectfully requests that claims 1-4 and 13-20 be examined. Applicant has canceled claims 5-12 without prejudice.

An action on the merits of all of the claims and a Notice of Allowance thereof are respectfully requested.

Respectfully submitted,

Dated: October 9, 2003 By: Carol G. Stovsky
Carol G. Stovsky, Reg. No. 42,171
Attorney for Applicants
Standley & Gilcrest LLP
495 Metro Place South, Suite 210
Dublin, Ohio 43017-5315
Tel. 614-792-5555
Fax: 614-792-5536